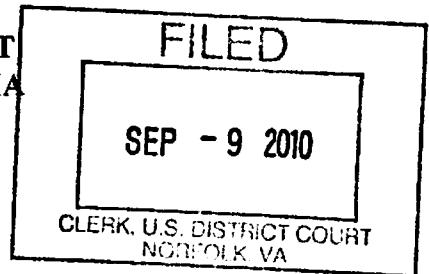


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



THOMAS BELLAMY,

Plaintiff,

v.

Civil Action No. 2:10cv184

DEUTSCHE BANK NATIONAL
TRUST COMPANY,
*as Trustee of the Home Equity Mortgage
Loan Asset-Backed Trust Series,
INABS 2005-D Home Equity Mortgage
Loan Asset Backed Certificates,
Series INABS 2005-D,*

ONE WEST BANK,
*as Successor to IndyMac Federal Bank
formerly known as IndyMac Bank, and*

INDYMAC ABS, INC.,

Defendants.

OPINION AND ORDER

This matter comes before the Court on Plaintiff's Motion for Leave to File Second Amended Complaint, Doc. 14, and Defendants' Motion to Dismiss Amended Complaint, Doc. 9. Pursuant to the provisions of 28 U.S.C. §§ 636(b)(1)(B) and (C), Rule 72(b) of the Federal Rules of Civil Procedure, Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, and by order of reference dated July 22, 2010, this matter was referred to a United States Magistrate Judge for a Report and Recommendation.

The Report and Recommendation of the Magistrate Judge ("R&R"), filed on August 9,

2010, recommends the following: 1) that Plaintiff's Motion for Leave to File Second Amended Complaint be granted; and 2) that Defendants' Motion to Dismiss be denied as moot. Doc. 18.

By copy of the R&R, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen (14) days from the date the R&R was mailed, pursuant to Rule 6(a) of the Federal Rules of Civil Procedure. Doc. 18 at 6. The time for filing written objections has now passed, and neither party has filed objections. As indicated in the R&R, "failure to file timely objections to the findings and recommendations set forth [in the R&R] will result in a waiver of the right to appeal from a judgment of this court based on such findings and recommendations." Id.

This Court has reviewed the R&R of the Magistrate Judge and hereby adopts and approves in full the findings and recommendations set forth therein. Accordingly, it is hereby **ORDERED** that Plaintiff's Motion for Leave to File Second Amended Complaint be **GRANTED** and that Defendants' Motion to Dismiss Amended Complaint be **DENIED** as **MOOT**.

The Clerk is **REQUESTED** to send a copy of this Opinion and Order to all counsel of record.

It is so **ORDERED**.

/s/

Henry Coke Morgan, Jr.
Senior United States District Judge

HENRY COKE MORGAN, JR.
SENIOR UNITED STATES DISTRICT JUDGE



Norfolk, Virginia

Date: September 2010